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SENSITIVE
SIPDIS

STATE FOR EAP/MLS, DRL/AWH AND CA/OCS

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TAGS: [CASC](#) [PHUM](#) [PREL](#) [PGOV](#) [VM](#)

SUBJECT: VIET TAN TRIAL RESULTS IN RELEASES; AMCIT TO BE DEPORTED

REF: Hanoi 0065 and previous

¶1. (SBU) Summary: Amid heavy security, Viet Tan activists Nguyen Quoc Quan, Nguyen The Vu and Nguyen Quoc Hai were tried by the HCMC People's Court on May 13 and sentenced under Article 84 of the Vietnamese Penal Code, which deals with crimes directly related to terrorism. American citizen Nguyen Quoc Quan received a sentence of six months (with credit for time served) and immediate deportation, which could be as early as May 17. Vietnamese citizen Nguyen The Vu was sentenced to five months and 26 days, and was released immediately after the trial. Thai-Vietnamese citizen Nguyen Hai (aka Somsak Khunmi) was sentenced to nine months, and will be eligible for release in three months. All three were detained on November 17, 2007 for planning to distribute pro-democracy pamphlets in Ho Chi Minh City. End summary.

¶2. (SBU) During a six hour long trial on May 13 in Ho Chi Minh City, Nguyen Quoc Quan, Nguyen The Vu and Nguyen Hai (aka Somsak Khunmi) were all present as the judge and procurator read the charges against them. Security around the court was very heavy, with security barriers and police in riot gear surrounding the court house. Conoff and ConGen staff attending the trial were required to leave their cell phones at the door and witnessed the proceedings on a closed-circuit TV in an adjacent court room. No foreign reporters were present at the trial.

Nguyen Quoc Quan's Testimony

¶3. (SBU) Nguyen Quoc Quan was questioned for almost an hour, primarily taken up by the prosecutor reading a long list of Quan's activities with the U.S.-based Viet Tan group and his relationship with founder Hoang Co Minh (reftel). Quan said he did write some kind of computer software that he sold commercially to raise funds for Viet Tan activities and that he also received USD \$1500 from Viet Tan to carry out the pro-democracy flyer campaign in HCMC. Quan said he worked for Viet Tan's financial committee, but he declined to give the court names of other members when asked.

¶4. (SBU) Quan also stated that he entered Vietnam illegally because he wanted to counter reports that he had been barred from entering Vietnam because of his activism. He admitted to drafting some of the information in the pro-democracy leaflets the group was planning to distribute, but denied he was involved in any activities related to trying to overthrow the government. Quan said instead that he was involved in an effort to "help the Vietnamese people govern themselves better." The Ho Chi Minh City People's Court found Quan guilty and sentenced him to six months, including time served. Since May 17 will mark exactly six months since Quan's November 2007 arrest, GVN contacts anticipate Quan will be deported on May 17 or May 18. ConGen is working with Quan's family in coordinating his return.

Nguyen The Vu

¶5. (SBU) Vietnamese national Nguyen The Vu told the court he was working for his brother in Norway and that his father and three brothers also helped in the envelope stuffing effort. Vu's father and three brothers were also present as observers at the court and each briefly affirmed their involvement with Viet Tan. Vu's brothers, Nguyen The Khiem and Nguyen Viet Trung were also arrested in November 2007, but were later released without charges. Vu plead guilty to the charges and blamed his actions on his "ignorance and immaturity." Vu was sentenced to five months and 26 days, exactly the amount of time he had been in detention. He was released immediately after the trial.

Nguyen Quoc Hai (aka Somsak Khunmi)

¶6. (SBU) The prosecution also relayed a long history of Nguyen Quoc Hai's involvement with Viet Tan, which they alleged dated back into 1980s. Hai admitted he had previously "led about 100 people into Vietnam" many years ago, but stated that he was "just stuffing envelopes for the money" last November and claimed he did not know what the flyers contained. Hai was sentenced to nine months in prison, including time served. He should be released in July. (Note: Though several media and Viet Tan reports have referred to Hai as a Thai citizen named Somsak Khunmi, Vietnamese authorities said they could not confirm his Thai citizenship with Thai authorities and maintain he is a Vietnamese national. Hai identified himself as a Vietnamese national during the trial. End note.)

PRESS COVERAGE

¶7. (U) Vietnam News Agency (the national wire service), major Vietnamese dailies and online news services covered the trial and sentencing. Many featured story titles like, "Ho Chi Minh City People's Court Sentences Terrorists," drawing connections

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between the three and Viet Tan which was consistently described as a terrorist group. Several international wire services also covered the story, drawing on post and Department guidance. Unsurprisingly, it was broadly picked up -- particularly by Southern California outlets.

¶8. (SBU) Comment: We have quietly but persistently pushed the GVN at a high level for a resolution of Nguyen Quoc Quan's case, which has attracted widespread attention. His imminent release and departure from Vietnam will be a positive step. At the same time, the GVN's continued use of catch-all provisions such as Article 84 of the Vietnamese Penal Code on crimes directly related to terrorism, in prosecuting individuals for the peaceful expression of their political ideas remains a problematic issue that we will continue to raise.

¶9. (U) This cable was coordinated with Embassy Hanoi.
FAIRFAX